

1 THE HONORABLE RICHARD A. JONES
2
3
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 STANLEY G. SIMONSON and REBECCA I.
11 SIMONSON, husband and wife,

12 Plaintiffs,

13 v.

14 M/V LUCKY BUCK, Official Number
567411, her engines, machinery, equipment,
tackle, appurtenances, etc., in rem; M/V
15 SPEEDWELL, Official Number 594754, her
engines, machinery, equipment, tackle,
appurtenances, etc., in rem; WILLIAM R.
16 ORR and JANE DOE ORR, husband and wife
and their marital community comprised
thereof; JOHN KELLEY and JANE DOE
17 KELLEY, husband and wife and their marital
community comprised thereof; GREGORY
18 THOMAS and JANE DOE THOMAS,
husband and wife and their marital community
19 comprised thereof; TKO FISHERIES
20 LIMITED, a Washington corporation,
21

22 Defendants.

IN ADMIRALTY

No. 2:17-cv-01724 RAJ

**STIPULATION AND ORDER TO
RELEASE VESSEL FROM ARREST
AND TO DISMISS CASE**

STIPULATION

24 At Dkt. 30, the Court entered an order of default barring the claims of all persons,
25 excepting the record owner, claimant Signature Seafoods, Inc., against the vessel M/V
26 LUCKY BUCK, Official Number 567411. Dkt. No. 30. Subsequently, the Court entered a
27
28

*STIPULATION AND ORDER TO RELEASE VESSEL
FROM ARREST AND TO DISMISS CASE
(2:17-CV-01724 RAJ) - 1*

HILLIS CLARK MARTIN & PETERSON P.S.
999 Third Avenue, Suite 4600
Seattle, WA 98104
Tel: (206) 623-1745

1 Stipulated Judgment and Order of Foreclosure directing the United States Marshal to cause
2 the M/V LUCKY BUCK to be sold at public auction. Dkt. 33. That sale has not yet occurred
3 and, in the meantime, the parties to this case have reached a settlement of all claims in this
4 lawsuit. The settlement involves, in part, the private sale of the M/V LUCKY BUCK to a
5 non-party. Accordingly, the parties, through undersigned counsel, hereby stipulate and agree
6 that, to facilitate the sale of the M/V LUCKY BUCK free and clear of all claims, (i) the Order
7 barring all claims at Dkt. No. 30 should be amended to reflect the correct Official Number of
8 the M/V LUCKY BUCK; (ii) the M/V LUCKY BUCK should be released from arrest so that
9 it may be sold at private sale; and (iii) pursuant to Federal Rule of Civil Procedure 41(a)(1),
10 this case should be dismissed without prejudice and without award of costs or attorneys' fees
11 to either side.

14 **ORDER**
15

16 1. The Order at Dkt. 30 is VACATED, and the Court ORDERS as follows:
17 Default is entered barring the claims of all persons, excepting the record owner Signature
18 Seafoods, Inc., against the vessel M/V LUCKY BUCK, Official Number 567411.

19 2. The United States Marshal and Substitute Custodian appointed at Dkt. No. 9
20 are ORDERED to release the M/V LUCKY BUCK from arrest.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

3. Pursuant to Fed. R. Civ. P. 41(a)(1), this case is DISMISSED without prejudice and without award of costs or attorneys' fees to either side. Nothing in this Order shall operate to vacate any findings or conclusions reached by Court in this action.

SO ORDERED on this 2nd day of July, 2018.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge